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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 3736

PATENT APPLICATION

Examiner Michael Astorino

In re application of

**APPARATUS FOR MONITORING
HEALTH, WELLNESS AND FITNESS**

TELLER ET AL.

Serial No. 09/923,181

Filed August 6, 2001

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Pittsburgh, Pennsylvania 15222

April 20, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

With regard to the Notice of Non-Compliant Amendment (37 C.F.R. 1.121) dated March 7, 2005, the Examiner has stated that each amended claim, as submitted in the Amendment dated November 23, 2004, has not been provided with the proper markings and that the withdrawn and cancelled claims must be reproduced. Applicant has revised the February 11, 2004, document,

I, Barry I. Friedman, in accordance with 37 C.F.R. 1.8(a), hereby certify that I have a reasonable basis to expect that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope bearing sufficient postage and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

April 20, 2005
Date of Deposit

Signature

as revised and submitted November 23, 2004. Applicant therefore believes the claims are now in compliance.

The Examiner provided applicants and their attorneys with the courtesy of an interview on March 24, 2005. Applicants thank the Examiner for the courtesies extended. In an Interview Summary dated April 5, 2005, the Examiner has requested a written summary of the interview in compliance with MPEP section 713.04. The interview consisted of a review of the pertinent prior art, a presentation of the inventive concepts by one of the inventors and a discussion of the patentable features of the inventive concepts. The Examiner reviewed the bases of rejection presented by the prior Examiner. The Examiner also reviewed his revised view of the patentability of the inventive concepts. Claims including various limitations were discussed, but no definitive claim was proffered. The Examiner made suggestions regarding possible claim limitations which were to be taken under advisement by Applicant and counsel for later discussion. The Examiner indicated that further searching would likely be necessary for the majority of the limitations discussed. As no rejection is currently pending, no amended claims have been submitted herewith.

If the Examiner feels that any issues remain that require discussion, he is kindly invited to contact Applicant's undersigned attorney to resolve the issues.

Respectfully submitted,

METZ LEWIS LLC

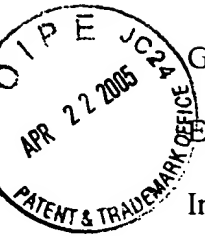
By 

Barry I. Friedman, Reg. No. 33,695
11 Stanwix Street, 18th Floor
Pittsburgh, Pennsylvania 15222

Attorneys for Applicant

(412) 918-1100

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PATENT APPLICATION

**APPARATUS FOR MONITORING
HEALTH, WELLNESS AND FITNESS**

SECOND REVISED SUPPLEMENTAL AMENDMENT

Pittsburgh, Pennsylvania 15222

April 20, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that this supplemental amendment be entered in the instant application.

I, Barry I. Friedman, in accordance with 37 C.F.R. 1.8(a), hereby certify that I have a reasonable basis to expect that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope bearing sufficient postage and addressed to: Mail Stop Non-Fee Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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